

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

BRIDGE, STRUCTURAL AND REINFORCING)
IRON WORKERS, LOCAL UNION NO. 1,)
AFL-CIO,)
Plaintiff,)
v.) No. 03 C 4207
FIDELITY AND DEPOSIT COMPANY OF)
MARYLAND,)
Defendant.)

MEMORANDUM ORDER

On March 2, 2005 each of Bridge, Structural and Reinforcing Iron Workers, Local Union No. 1, AFL-CIO ("Local 1") and Fidelity and Deposit Company of Maryland ("F&D") filed its response to the other's Fed. R. Civ. P. ("Rule") 56 motion for summary judgment in this lawsuit by Local 1, which seeks to recover on F&D's Labor Organization Bond ("Bond") that provides coverage against fraudulent or dishonest acts committed by any of Local 1's officers or employees. Although those filings completed the submissions that this Court had previously scheduled to deal with the parties' cross-motions, F&D has also simultaneously filed a motion to strike the affidavit of Michael Hebda ("Hebda"), the former Local 1 officer whose actions have given rise to the claim on the F&D Bond and hence to this action. F&D's motion also seeks to strike, on purported hearsay grounds, the testimony of two other witnesses as to self-incriminatory statements made to them by Hebda.

Because the supplemental F&D filing has come as part of the last scheduled submissions by the parties, Local 1 has not had the opportunity--but is obviously entitled--to respond to the motion to strike. Accordingly such a response is required to be filed in this Court's chambers (with a copy of course to be transmitted to F&D's counsel) on or before March 18, 2005.


Milton I. Shadur
Milton I. Shadur
Senior United States District Judge

Date: March 3, 2005